UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RODNEY BARBER, Plaintiff,	:	
	:	
v.	:	CA 05-390 ML
	:	
VERIZON NEW ENGLAND INC., Defendant.	:	

ORDER
GRANTING IN PART MOTION TO
PRECLUDE PLAINTIFF'S EXPERT

Before the Court is Defendant's Motion to Preclude Plaintiff's Expert (Document ("Doc.") #26) (the "Motion"). Plaintiff has filed an objection to the Motion. See Objection to Defendant's Motion to Preclude Plaintiff's Expert (Doc. #27) ("Objection"). No hearing is necessary as it is apparent from the Objection that Plaintiff has substantially failed to comply with the Order entered by District Judge Mary M. Lisi on September 8, 2006.

Accordingly, the Motion is GRANTED in part. **Plaintiff is precluded from relying upon on any expert affidavit (or other form of evidence) in connection with Defendant's summary judgment motion to the extent that such affidavit (or other form of evidence) contains factual information or opinion which is not explicitly and fully stated in the "Disclosures of the Plaintiff as Per the Pretrial Order"** ("Disclosures"), a copy of which is attached at Exhibit B to the Motion. For example, Dr. Emgushov may not file an affidavit which states the effect of ribavirin "on major life activity," Motion, Exhibit B, because the effect is not stated in the Disclosures. Also by way of example, Dr. Emgushov may not file an affidavit which describes the treatment provided to Mr. Barber because such treatment is not stated in the Disclosures.

To the extent that Defendant seeks to totally preclude any evidence from Plaintiff's expert in connection with Defendant's summary judgment motion, the Motion is denied.

So ordered.

ENTER:

David L. Martin
United States Magistrate Judge
September 25, 2006

BY ORDER:

Deputy Clerk